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8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 DENNIS HOF, an individual; CHERRY  
11 PATCH LLC, a Nevada Limited Liability  
12 Company,

13 Plaintiffs,

14 v.

15 NYE COUNTY; NYE COUNTY BOARD  
16 OF COUNTY COMMISSIONERS; DAN  
17 SCHINHOFEN (in his personal and official  
18 capacity as an employee of Nye County);  
19 NYE COUNTY SHERIFF'S OFFICE;  
20 SHARON WEHRLY (in her official  
21 capacity as an employee of Nye County);  
22 JANE DOE; and JOHN ROE,

23 Defendants.

CASE NO.: 2:18-cv-00211-RFB-GWF

**STIPULATION TO TAKE  
AUGUST 8, 2018 MOTION  
FOR TEMPORARY  
RESTRAINING ORDER  
HEARING OFF CALENDAR  
PENDING MEDIATION**

24 Defendants NYE COUNTY, NYE COUNTY BOARD OF COMMISSIONERS,  
25 DAN SCHINHOFEN, NYE COUNTY SHERIFF'S OFFICE and SHARON WEHRLY,  
26 by and through their attorney of record, REBECCA BRUCH, ESQ. of ERICKSON,  
27 THORPE & SWAINSTON, LTD., and Plaintiffs DENNIS HOF and CHERRY PATCH  
28 LLC, hereby stipulate and request that the hearing on the Emergency Motion for  
Temporary Restraining Order ("Plaintiff's Motion") scheduled for August 8, 2018 at 3:00  
p.m. (ECF No. 15) be taken off the calendar pending an upcoming mediation between the  
Parties. Counsel for the Parties have conferred via telephone and agree that early  
mediation to discuss a possible resolution of the issues raised by Plaintiff's Motion and  
the litigation is desirable and appropriate at this time. The Parties agree and stipulate to  
take the hearing currently set on Plaintiff's Motion off the calendar. Parties agree and  
stipulate to submitting a Joint Status Update after the mediation to inform the Court as to

1 whether the Parties have settled the case or alternatively need to reset the hearing on  
2 Plaintiff's Motion.

3 Further, Defendants' counsel is unavailable that particular week in August due to a  
4 family commitment that cannot be rescheduled. Thus, if for any reason, this stipulation to  
5 take the hearing off the calendar is not granted by the Court, the Parties stipulate and  
6 agree that the Court should reschedule the hearing.

7 The Parties hereby request the Court grant their request to take the hearing on  
8 Plaintiff's Motion off the calendar pending mediation and the Parties' Joint Status  
9 Update.

10 RESPECTFULLY SUBMITTED this 30 day of July, 2018.

11 ERICKSON, THORPE & SWAINSTON, LTD

12 /s/ Rebecca Bruch

13 REBECCA BRUCH, ESQ. (SBN7289)

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16 *Attorneys for Defendants*

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18 /s/ LaTeigra Cahill

19 MARC J. RANDAZZA, ESQ. (SBN12265)

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23 *Attorneys for Plaintiffs*

24 IT IS SO ORDERED that the hearing on the Emergency Motion for Temporary  
25 Restraining Order scheduled for August 8, 2018 at 3:00 p.m. (ECF No. 15) is  
26 vacated pending mediation between the Parties and the submission of the Parties'  
27 Joint Status Update regarding the outcome of the mediation.

28 IT IS FURTHER ORDERED that [2] Emergency Motion for Temporary Restraining  
Order is Denied without prejudice to refileing .



RICHARD F. BOULWARE, II  
United States District Judge

Dated: July 31, 2018